

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE: GERBER PRODUCTS COMPANY  
HEAVY METALS BABY  
FOOD LITIGATION

Master File No. 1:21-cv-269 (MSN/JFA)  
Class Action

This Document Relates to ALL Cases

**AMENDED ORDER**

This matter comes before the Court following the status conference held via videoconference on May 18, 2022. After hearing the arguments of counsel regarding the filing of a representative, as opposed to a consolidated, complaint, the Court held that a representative complaint is more appropriate for the reasons stated in open court. Accordingly, it is hereby

**ORDERED** that the Court's May 10, 2022 Order (Dkt. No. 102) directing Plaintiffs' Interim Lead Counsel to file a consolidated complaint on or before May 24, 2022 is hereby amended as follows: on or before June 3, 2022, Plaintiffs' Interim Lead Counsel shall file a representative complaint, which includes state law claims filed under the laws of five different states. Plaintiffs may also include a nationwide class claim under Virginia law. The Court finds that the representative claims shall be selected from among those states with the largest population or with other characteristics that would capture a disproportionate number of potential class members and best allow common issues to be addressed. The Court recognizes that this process will not permit the Court to address initially all issues that may need to be resolved in all cases. However, the Court does not intend to allow this procedure to unduly delay the Court's dealing

with any other preliminary issues raised by these other cases or affect the nature, scope, or timing of discovery as to all cases; and it is further

**ORDERED** that the parties shall file a consent motion by May 25, 2022 setting out a proposed briefing schedule for filing and disposition of a motion to dismiss; and it is further

**ORDERED** that on or before May 24, 2022 at 5:00 p.m., Plaintiffs' Interim Lead Counsel and Defendant's Counsel shall file any proposed order detailing potential case management issues for consideration by the Court, if they so choose.

The Clerk is directed to forward copies of this Order to all counsel of record.

/s/

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Hon. Michael S. Nachmanoff  
United States District Judge

Alexandria, Virginia  
May 19, 2022